



AFL-CIO Files Suit To Stop Bargaining

An AFL-CIO suit attacking the constitutionality of Oregon's collective bargaining law for state employees, and asking for an injunction to keep the law from becoming effective, has been filed in Multnomah County circuit court. It is scheduled to be heard on March 2. The union suit challenges the constitutionality of the law on the grounds that it is an illegal delegation of authority to permit the Civil Service Commission to establish the rules to implement collective bargaining.

The law, passed by the 1965 Legislature, directs the commission to establish the bargaining rules. The suit claims the commission's rules, adopted December 16, are invalid on the grounds that they are "arbitrary, unreasonable and unfair."

Filing of the union action brought an immediate response from Thomas C. Enright, Executive Secretary of OSEA.

He called the suit, "a stall, probably for the purpose of trying to gain more time to recruit members and possibly even to try to hold up collective bargaining until the next session of the legislature, when the union might have more success with its bills than it had last session."

Enright was referring to the AFL-CIO bill introduced at the 1965 session of the legislature which would have given the Labor Commissioner supervision over collective bargaining. OSEA's bill

OSEA Proposal Wins Approval

A sweeping change in Oregon's Public Employees Retirement System, proposed by OSEA Retirement Director Jerry Liebertz and his Retirement Committee, has gained the enthusiastic support of the public employer and employee groups who are members of the Public Employees Retirement Conference Steering Committee.

The proposed change would correct many of the faults in the present system that have resulted in inadequate retirement benefits for many public employees.

The OSEA proposal received support from Cecil Posey, Executive Secretary of the Oregon Education Association; Dr. Paul Bernier, representing Oregon State University; Dr. Henry Osibov, representing the University of Oregon; John Vale, Executive Secretary of the Oregon School Employees Association; Mrs. Ellen Wilshire, representing the Lebanon Teachers Association, and many others.

Cleighton Penwell, an officer of the Legislative Fiscal Committee, told the committee members that the Legislative Fiscal Committee's Subcommittee on Retirement is taking a greater interest in improving PERS than ever before. He said the committee has shown an inclination to consider totally new approaches in an effort to improve PERS.

He said the OSEA proposal was a "perfectly sound approach," but warned that the legislative committee would look closely at total costs involved in any change.

The Retirement Conference Steering Committee is now developing plans to hold statewide meetings with legislators in an effort to inform them of the retirement proposal.

which put control of collective bargaining into the hands of the Civil Service Commission, was the one adopted by the legislature.

Enright said that after the 1965 session adjourned, a spokesman for the AFL-CIO went with him to the office of Governor Mark O. Hatfield to ask the governor not to veto the bill.

"Why the belated opposition? Have the unions had some bad experiences during the past eight months which soured them on the law?" Enright asked.

The OSEA Employment Relations Committee said the association will continue with petition drives calling for bargaining representative elections already started in 19 major state agencies.

"We do not expect the law to be overturned, and we will be ready to call for elections in each state agency as soon as the matter is determined," committee chairman Harold W. Adams said.

Enright said that OSEA expects to petition to be allowed to enter the case as a "friend of the court" and file a brief in support of the constitutionality of the 1965 law.

"It is ironic that the unions, who talk so much about the rights of public employees to bargain with their employers, should now be trying to hold up the process.

No doubt they are afraid to get into bargaining representative elections in most state agencies at the present time, because they have not been able to persuade any appreciable number of state employees to join their ranks," Enright said.

Representation Battle Develops

A battle between the Oregon State Employees Association and the American Federation of State, County and Municipal Employees (AFL-CIO) has developed over which organization will represent employees at the Oregon State Hospital.

OSEA has filed bargaining representative election petitions bearing 426 names with the Civil Service Commission. The AFSC&ME filed petitions containing 231 names.

According to the commission, there are 791 employees at the hospital. A check of the names is being made to determine if all are valid.

Elections must be held within 60 days after the petitions are filed.

O'Connor Resigns Field Position

Executive Secretary Thomas C. Enright has announced the resignation of Field Representative Frank Q. O'Connor from the OSEA Portland branch office.

Enright said O'Connor, who resigned on January 31, left the association to accept a position



DONALD A. BENINGER

Beninger New Staff Member

Executive Secretary Thomas C. Enright has announced the appointment of Donald A. Beninger to the OSEA staff as Field Representative. He will assume his new duties on March 1.

Beninger, 27, has been employed by the State at the Fairview Home and Training Center for the past eight years as a maintenance repairman. He is an electrician.

Long active in the association, Beninger has served as Fairview Chapter 57 President for two years, Assistant District Director of District No. 9 for one year and Delegate to General Council for five years. He has been a member of OSEA since entering state service in 1958.

Beninger is well known throughout the association as one of the all-time new member producers in the history of OSEA as well as for his work in the area of grievances while serving as President of the Fairview Chapter.

He was honored along with nine other OSEA members for his new member enrollment activity through the years by the 1965 General Council. Beninger has enrolled 236 new members into the ranks of the association since January, 1962.

Upon appointing Beninger to the new position, Enright said, "The association is very fortunate to acquire the services of such a dedicated OSEA member. Because of his experiences in various association offices, Don is very well versed in the special problems of the institutional employee, and I'm sure he will be of great help to the association in that field."

Beninger attended schools in Missoula, Montana. He and his wife, Evelyn, reside with their four children at 3086 Alameda Street, N.E., Salem.

Field Position

with a Portland real estate firm. According to Enright, the Portland office will be staffed by Field Representative C. D. Johansen until a replacement can be found for O'Connor. Johansen will be at the Portland office every Tuesday and Thursday morning.

Despite Court Case...

Bargaining Elections Requested By OSEA

Petitions calling for collective bargaining representative elections in 14 state agencies have been filed by OSEA with the Civil Service Commission despite a pending court suit challenging the constitutionality of the collective bargaining law by the Oregon AFL-CIO.

Executive Secretary Thomas C. Enright said all of the petitions filed so far have been signed by at least 50 per cent of the classified employees in each agency. Only 30 per cent is required to call for an election.

Agencies for which OSEA has requested representative elections are: Public Utilities Commission, Department of Motor Vehicles, State Compensation Department, Department of Veterans Affairs, Treasury Department, Public Employees Retirement Board, State Board of Health, Hillcrest School for Girls, Fairview Home and Training Center, Oregon State Hospital, Dammasch State Hospital, Columbia Park State Home, University of Oregon Dental School and MacLaren School for Boys.

Election petitions for Eastern Oregon State Hospital and Southern Oregon College are expected to be filed soon.

Petitions are still being circulated in three state agencies--the Departments of Agriculture, Employment and Forestry. Enright said these agencies have a large number of employees working in the field, making the petition work more time consuming.

The 14 agencies for which election petitions have been filed employ some 4,400 persons. Elections must be held within 60 days from the date of filing, according to the rules adopted by the Civil Service Commission.

Under the rules, each agency is a single bargaining unit unless the agency head is requested and authorizes separate units.

The only separate bargaining unit requests which have been filed so far include the Association of Engineering Employees for certain engineers in the State Highway Department, the Brotherhood of

Scholarships Due March 1

All OSEA members who wish to apply for an association scholarship or grant-in-aid must submit a certification form to headquarters no later than March 1.

Jack D. Morton, Chairman of the Scholarship Committee, said 45 applications have been received as of February 21.

To apply, each applicant must complete a regular scholarship application form used by the State Scholarship Commission. The forms are available at any high school principle or college registrar's office.

In addition, each applicant must complete an OSEA scholarship certification form available from the local chapter president or the association's headquarters office.

Funds contributed to the scholarship program by local chapters should be deposited at headquarters by April 15.

Electrical Workers for eight radio technicians in the Department of Forestry, eight physical therapists in the Workmen's Compensation Board, the Typographical Union at Oregon State University, the Building Trades Council for physical plant employees at the Tongue Point Jobs Corps Center and the AFSC&ME for physical plant employees at the University of Oregon Medical School.

Enright said that OSEA is considering a possible agreement with the Association of Engineering Employees, by which OSEA would represent that group in collective negotiations.

The Civil Service Commission has not yet set a date for any election.

OSEA Protests Interference

A protest against the activities of some state personnel officers charged by OSEA with misleading employees about collective representation and interfering with their legal rights has been filed with the Civil Service Commission by Executive Secretary Thomas C. Enright.

In a letter to Civil Service Director Melvin H. Cleveland, Enright said some personnel officers have been incorrectly advising employees that all "supervisors" will be excluded from the bargaining unit.

Enright said that one major agency circulated an official memo advising employees that all persons who are in a position to "recommend" hiring or firing will be excluded from negotiating units.

"This is a completely unwarranted assumption in view of the clear provisions of the rules and the fact that no exclusion by an employer is final, but is subject to appeal," he said.

In another case, Enright said, a personnel officer not only informed an inordinately large number of employees that they would be excluded, but also prohibited them from signing election petitions being circulated in the agency.

"There is nothing in the rules which prohibits any classified employee from signing election petitions. Designation of excluded employees will not legally take place until an election is ordered. It is presumptuous at this time for any officer to state with any degree of certainty whom the excluded employees will be."

Enright said that at the Civil Service Commission hearings before the rules were adopted, most of the personnel officers saw fit to identify themselves as "management." "They should be instructed to keep out of these matters until the time comes when management is properly involved," Enright declared.